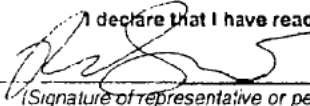


<b>UNITED STATES OF AMERICA</b> <b>NATIONAL LABOR RELATIONS BOARD</b> <b>CHARGE AGAINST EMPLOYER</b>		<b>DO NOT WRITE IN THIS SPACE</b> Case <span style="float: right;">Date Filed</span> <b>05-CA-129234      05/22/14</b>	
<b>INSTRUCTIONS</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
a. Name of Employer FWL & Sons, Inc. d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers		b. Number of workers employed 100	
c. Address  FWL & Sons: 5520 W. Broad St. Richmond, VA 23230  McDonald's Corp: 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative  FWL & Sons: (b) (6), (b) (7)(C)  McDonald's: Gloria Santana	e. Telephone No.  FWL & Sons: (804) 282 7514	
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service		
h. The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) and (4) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.			
<b>2 BASIS OF THE CHARGE</b> <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i>  On or about (b) (6), (b) (7)(C) 2014, employer through (b) (6), (b) (7)(C), interfered with, and discriminated against employees in the exercise of their Section 7 rights in violation of Sections 8(a)(1) and (3) of the Act by engaging in the following conduct:  -issuing (b) (6), (b) (7)(C) a disciplinary write-up for engaging in protected concerted activity;  -suspending (b) (6), (b) (7)(C) for one week for engaging in protected concerted activity.			
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b> Southern Workers Organizing Committee			
4a. Address (street and number, city, state, and ZIP code)  314 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. Guillermo Zamora (703) 629-2199	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
<b>6. DECLARATION</b> I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">             (Signature of representative or person making charge)         </div> <div style="width: 35%; text-align: right;"> <b>Paul Smith, Attorney</b>            (Title if any)         </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">           Address <u>Patterson Harkavy LLP 100 Europa Drive, Suite 250 Chapel Hill, NC 27517</u>            (Date) <u>5/22/14</u> </div> <div style="width: 35%; text-align: right;"> <u>(919) 942-5200</u>            (Telephone No.)         </div> </div>			
<b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>			

**From:** [Andela, Andrew](#)  
**To:** ["mokun@pathlaw.com"](mailto:mokun@pathlaw.com)  
**Subject:** re: NLRB charge against FWL & Sons, Inc. (McDonald's)  
**Date:** Wednesday, May 21, 2014 4:29:00 PM

---

Good afternoon, Mr. Okun.

A few weeks ago, I asked you to refile a charge form in the above-referenced case. Thank you for doing so. The Union has now arranged a time next week for the lead witness to present (b) (6) evidence, so I am hoping you can file one more charge form with today's date instead of May 1. (The previous one was not docketed, so no need for any withdrawal of the May 1 form.) Thank you very much in advance and let me know if you have any questions.

*Drew Andela*

Field Attorney  
National Labor Relations Board, Region 5  
Bank of America Center - Tower II  
100 South Charles St., 6th Floor  
Baltimore, MD 21201  
Phone: [\(410\) 962-5615](tel:(410)962-5615)  
Fax: [\(410\) 962-2198](tel:(410)962-2198)

Burton Craig  
Narendra K. Ghosh  
Jonathan R. Harkavy\*  
Michael G. Okun  
Henry N. Patterson, Jr.  
Paul E. Smith

*Of Counsel.*  
Nahomi Harkavy\*  
\*practice limited to  
Alternative Dispute Resolution

# Patterson | Harkavy LLP

ATTORNEYS AT LAW  
Raleigh • Chapel Hill • Greensboro

## FAX TRANSMITTAL

Reply to Chapel Hill

100 Europa Drive, Suite 250  
Chapel Hill, NC 27517  
Telephone (919) 942-5200  
Fax (919) 942-5256

www.pathlaw.com

DATE: 5/22/14

TO: NLRB – Region 5

FAX No.: (410) 962-2198

FROM: (b) (6), (b) (7)(C)

Re: NLRB Charge

TOTAL # OF PAGES BEING TRANSMITTED INCLUDING  
COVER SHEET: 2

**Please see the attached document.**

---

IF THERE ARE ANY PROBLEMS WITH THE RECEIPT OF THIS TRANSMITTAL,  
PLEASE CALL 919/942-5200 AS SOON AS POSSIBLE.

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U S Postal Service  
Thank you.

Fm: (b) (6), (b) (7)(C) To: Fax to NLRB (refiling (b) (6), (b) (7)(C) charge) (14109622198)  
14:23 05/22/14 EST Pg 1-3

Fax to NLRB (refiling (b) (6), (b) (7)(C) charge)

(b) (6), (b) (7)(C)

Patterson Harkavy LLP  
100 Europa Dr, Ste 250  
Chapel Hill, NC 27517  
(919) 942-5200  
(919) 942-5256 fax  
[www.pathlaw.com](http://www.pathlaw.com)

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**ALG** Inquiry 10:1-1068662811

CHARGE ASSIGNMENT SHEET (EMPLOYER)			
Case No.: 05-CA 129234		CASE NAME: Fwy & Saus, INC. 2166 McDonald's & McDonald's Corp. as but one Single Employer	
DATE FILED: 5/22/14		CATEGORY: <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III	
Potential 10(j) . No	8(a)(2) (indicated name of union):	# discriminatees 8(a)(3):	# of Employees (if not currently on charge) 100
IO charge? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>		Dispute City: Richmond	
HOT TOPIC? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/> Fast Food		Dispute State: VA	
COMMENTS: follow coordination memo		Barg Status: <input type="checkbox"/> Existing Contract <input type="checkbox"/> None <input type="checkbox"/> Organizational Campaign <input type="checkbox"/> Seeking Initial Contract <input type="checkbox"/> Seeking Successor Contract	
SUPERVISOR: Doyle		AGENT: Andale	
<b>8(a)(1)</b> <input type="checkbox"/> Coercive Actions (Surveillance, etc) <input type="checkbox"/> Coercive Rules <input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.) <input checked="" type="checkbox"/> Concerted Activities (Retaliation, Discharge, Discipline) <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discharge of supervisor (Parker-Robb Chevrolet) <input type="checkbox"/> Interrogation (including Polling) <input type="checkbox"/> Lawsuits <input type="checkbox"/> Weingarten		<b>8(a)(4)</b> <input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (including Layoff and Refusal to Hire) <input type="checkbox"/> Discipline <input type="checkbox"/> Refusal to Reinstate Employee/Striker <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work	
<b>8(a)(2)</b> <input type="checkbox"/> Assistance <input type="checkbox"/> Domination <input type="checkbox"/> Unlawful Recognition		<b>8(a)(5)</b> <input type="checkbox"/> Alter Ego <input type="checkbox"/> Failure to Sign Agreement <input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing) <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Refusal to Hire Majority <input type="checkbox"/> Refusal to Recognize <input type="checkbox"/> Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes <input type="checkbox"/> Shutdown or Relocate (e.g. First National Maintenance).Subcontract Work	
<b>8(a)(3)</b> <input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (Including Layoff and Refusal to Hire (not salting)) <input checked="" type="checkbox"/> Discipline <input type="checkbox"/> Lockout <input type="checkbox"/> Refusal to Consider/Hire Applicant (salting only) <input type="checkbox"/> Refusal to Reinstate Employee/Striker (e.g. Laidlaw) <input type="checkbox"/> Retaliatory Lawsuit <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work <input type="checkbox"/> Union Security Related Actions		<b>8(e)</b> <input type="checkbox"/> All Allegations against a Labor Organization <input type="checkbox"/> All Allegations against an Employer	

proofed by: rdc 5/23/14



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



Download  
NLRB  
Mobile App

May 23, 2014

(b) (6), (b) (7)(C)  
FWL & Sons, Inc.  
5520 West Broad St.  
Richmond, VA 23230

Ms. Gloria Santona  
McDonald's Corp.  
2111 McDonald's Dr.  
Oak Brook, IL 60523

Re: FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

Dear (b) (6), (b) (7)(C) and Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Andrew Andela whose telephone number is (410) 962-5615. If Andrew Andela is not available, you may contact Deputy Regional Attorney John Doyle whose telephone number is (410) 962-3156.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

May 23, 2014

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

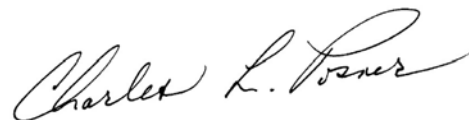
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Charles L. Posner  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

## NATIONAL LABOR RELATIONS BOARD

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

## CASE NAME

FWL &amp; Sons, Inc. d/b/a McDonald's &amp; McDonald's Corp as Joint and Single Employers

## CASE NUMBER

05-CA-129234

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (*Check the largest amount*)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (*If yes, name and address of association or group.*)**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**NAME AND TITLE (*Type or Print*)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**FWL & SONS, INC. D/B/A MCDONALD'S &  
MCDONALD'S CORP AS JOINT AND SINGLE  
EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 05-CA-129234**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 23, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

FWL & Sons, Inc.  
5520 West Broad St.  
Richmond, VA 23230

Ms. Gloria Santona  
McDonald's Corp.  
2111 McDonald's Dr.  
Oak Brook, IL 60523

May 23, 2014

Date

Andrew Giannasi, Designated Agent of NLRB

Name

/s/ Andrew Giannasi

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

May 23, 2014

Paul E. Smith, Esq.  
Patterson Harkavy LLP  
100 Europa Dr., Ste. 250  
Chapel Hill, NC 27517

Re: FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

Dear Mr. Smith:

The charge that you filed in this case on May 22, 2014 has been docketed as case number 05-CA-129234. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Andrew Andela whose telephone number is (410) 962-5615. If Andrew Andela is not available, you may contact Deputy Regional Attorney John Doyle whose telephone number is (410) 962-3156.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

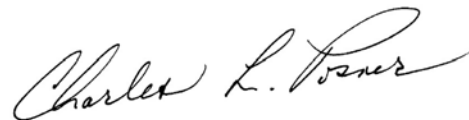
May 23, 2014

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is fluid and cursive, with the first name "Charles" and last name "Posner" clearly legible.

Charles L. Posner  
Regional Director

Enclosure: Copy of Charge

cc: Mr. Guillermo Zamora  
Southern Workers Organizing Committee  
314 S. Wilmington St., Suite 207  
Raleigh, NC 27601



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

Agent's Direct Dial: (410)962-5615

June 12, 2014

Doreen S. Davis, Esq.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6739  
[ddavis@jonesday.com](mailto:ddavis@jonesday.com)

Jonathan M. Linas, Esq.  
Jones Day  
77 W. Wacker Drive Suite 3500  
Chicago, IL 60601-1692  
[jlinas@jonesday.com](mailto:jlinas@jonesday.com)

Andrew Madsen, Esq.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701  
[amadsen@jonesday.com](mailto:amadsen@jonesday.com)

Re: FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

Dear Ms. Davis, Mr. Linas, and Mr. Madsen:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-referenced matter. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

**Allegations:** The allegations for which I am seeking your evidence are as follows.  
[Describe specific allegations for which you seek charged party evidence.]

**Board Affidavits:** I am requesting to take affidavits from [INSERT NAME(S) AND TITLE(S) OF INDIVIDUALS TO PROVIDE AFFIDAVITS] and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the

investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by **insert date** to schedule these affidavits.

**Documents:** Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1.

**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **ENTER DATE for presenting all evidence**. If you are willing to allow me to take affidavits, please contact me by **[ENTER date for contacting about affidavits]** to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (410)962-5615, or e-mail, [andrew.andela@nlrb.gov](mailto:andrew.andela@nlrb.gov), so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

Andrew Andela  
Field Attorney



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

Agent's Direct Dial: (410)962-5615

June 16, 2014

Doreen S. Davis, ESQ.  
Jones Day  
222 EAST 41ST STREET  
NEW YORK, NY 10017-6739

JONATHAN M LINAS, ESQ., Attorney  
Jones Day  
77 W WACKER DR.  
Ste 3500  
CHICAGO, IL 60601-1692

Andrew Madsen, ESQ.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

Re: FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

Dear Ms. Davis, Mr. LINAS, Mr. Madsen:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-referenced matter. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

**Allegations:** The allegations for which I am seeking your evidence are as follows.  
[Describe specific allegations for which you seek charged party evidence.]

**Board Affidavits:** I am requesting to take affidavits from [INSERT NAME(S) AND TITLE(S) OF INDIVIDUALS TO PROVIDE AFFIDAVITS] and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by [insert date] to schedule these affidavits.

**Documents:** Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1.

**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **ENTER DATE for presenting all evidence**. If you are willing to allow me to take affidavits, please contact me by **ENTER date for contacting about affidavits** to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (410)962-5615, or e-mail, [andrew.andela@nlrb.gov](mailto:andrew.andela@nlrb.gov), so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

Andrew Andela  
Field Attorney

June 23, 2014

**Via e-mail**

Mr. Andrew Andela  
Board Agent  
National Labor Relations Board  
Region 5  
Bank of America Center, Tower II  
Baltimore, MD 21201

**Re: Southern Workers Organizing Committee/FWL & Sons, Inc. d/b/a  
McDonald's Corp. as Joint and Single Employers 05-CA-129234**

Dear Mr. Andela:

Please accept this letter as a statement of position in support of the above referenced unfair labor charge alleging FWL & Sons and McDonald's ("Employer") violated Section 8(a)(1) and (3) of the National Labor Relations Act and our contention that (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C), (b) (7)(D) was not a supervisor under 2(11) of the Act.

Employer's actions constitute straightforward violations of the law, which the Region is well positioned to address without significant analysis. As such, we will give a summary of the evidence without providing substantial legal argument. Our legal discussion will focus on (b) (6), (b) (7)(C), (b) (7)(D) employee status. Based on the facts presented in (b) (6), (b) (7)(C), (b) (7)(D) affidavit, it is clear that (b) (6), (b) (7)(C), (b) (7)(D) was not a supervisor but rather a (b) (6), (b) (7)(C) who assisted in the flow of work at the restaurant. (b) (6), (b) (7)(C) had no significant responsibilities requiring individual judgment and lacked the ability to assign or responsibly direct, and had no meaningful role in the discipline of employees.

**I. Background**

(b) (6), (b) (7)(C) was hired as a crewmember at Employer's 2700 W. Broad Street store in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) later, (b) (6), (b) (7)(C) was promoted to (b) (6), (b) (7)(C), (b) (7)(D) at Employer's 5520 W. Broad street location. In (b) (6), (b) (7)(C), (b) (7)(D) 2013, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C). Around the same time, (b) (6), (b) (7)(C) joined the Southern Workers Organizing Committee ("SWOC" or "Raise Up"). (b) (6), (b) (7)(C) participated in a one-day strike on December 5, 2013. After the strike, (b) (6), (b) (7)(C) increased (b) (6), (b) (7)(C) participation in the campaign and became (b) (6), (b) (7)(C) in the Virginia Raise Up movement. First, (b) (6), (b) (7)(C) on the issue (b) (6), (b) (7)(C).



of low wages outside of the employer's store on (b) (6), (b) (7)(C), 2014.<sup>1</sup> Next, (b) (6), (b) (7)(C) spoke on an income inequality panel (b) (6), (b) (7)(C).<sup>2</sup> In addition to these public actions, (b) (6), (b) (7)(C) recruited (b) (6), (b) (7)(C) co-workers to join the union and sign support cards. (b) (6), (b) (7)(C) Aff. 17:10-15.

After (b) (6), (b) (7)(C) gave (b) (6), (b) (7)(C) speech, Employer began disciplining (b) (6), (b) (7)(C) for minor infractions. (b) (6), (b) (7)(C) was disciplined (b) (6), (b) (7)(C) times in a (b) (6), (b) (7)(C) period despite having only received one disciplinary write up in (b) (6), (b) (7)(C) previous (b) (6), (b) (7)(C) months at McDonald's. First, (b) (6), (b) (7)(C) was written up for arriving late to work. (b) (6), (b) (7)(C) disciplined (b) (6), (b) (7)(C) even though (b) (6), (b) (7)(C) gave advanced notice that (b) (6), (b) (7)(C) would be tardy and arrived at the store before it opened to the public. (b) (6), (b) (7)(C) Aff. 15:5-22. Less than a week later, (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) second write up for asking to leave work after (b) (6), (b) (7)(C) had vomited. This incident resulted in a (b) (6), (b) (7)(C) suspension. Next, Employer wrote up (b) (6), (b) (7)(C) for failing to fill out a food safety inspection log. (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) fourth write up for arriving (b) (6), (b) (7)(C) late to work. Employer issued (b) (6), (b) (7)(C) final discipline for leaving the store safe unattended. Shortly after receiving (b) (6), (b) (7)(C) write-up, (b) (6), (b) (7)(C) voluntarily resigned from McDonald's.

II. (b) (6), (b) (7)(C) was disciplined and suspended for engaging in protected concerted activity in violation of 8(a)(1) and (3) of the Act

An employer violates Section 8(a)(3) of the Act when it retaliates against an employee for engaging in protected concerted activity. Proof of discriminatory motive can be based on direct evidence or inferred from circumstantial evidence based on the record as a whole. *Embassy Vacation Resorts*, 340 NLRB 846, 848 (2003). Absent direct evidence, the Board will infer discriminatory intent if the charging party establishes a prima facie case.<sup>3</sup> Other indicia of intent to discriminate include: proximate timing between protected activity and discrimination; disparate treatment of pro-union employees; and the employer's failure to offer the employee the opportunity to answer allegations. *Tubular Corp. of America*, 337 NLRB 99 (2001) (holding termination was motivated by discriminatory intent because employee was fired less than two weeks after engaging in protected concerted activity and the non-union co-workers were not terminated for similar conduct). Timing alone may suggest anti-union animus as a motivating factor in an employer's action. *Douglas Aircraft Company*, 308 NLRB 1217, 1220 (1992).

While employer contends (b) (6), (b) (7)(C) was disciplined for failing to comply with legitimate workplace rules, these reasons are pretextual and will not defeat the inference of unlawful motivation. The record is replete with circumstantial evidence from which to infer discriminatory intent. First, the union has established a prima facie case of discrimination by

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<sup>1</sup> Exhibit 1

<sup>2</sup> Exhibit 2

<sup>3</sup> To establish a prima facie case for discrimination, the charging party must show: (1) the employee engaged in protected activity; (2) the employer had knowledge of the employee's activity; and (3) the employer manifested anti-union bias.

showing that: (1) (b) (6), (b) (7)(C) engaged in protected activity by participating in a one day strike on December 5, 2013 and (b) (6), (b) (7)(C) of the Raise Up movement at several public events; (2) Employer knew (b) (6), (b) (7)(C) participated in the strike and public actions through (b) (6), (b) (7)(C) surveillance and local media coverage; and (3) Employer demonstrated anti-union bias by making disparaging comments about the union.

There is significant evidence that the employer knew (b) (6), (b) (7)(C) had engaged in protected concerted activity. (b) (6), (b) (7)(C) was present at the strike and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aff. 8:20-22; 12:4-9. Second, management interrogated (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) participation in the union on three separate occasions. (b) (6), (b) (7)(C) Aff. 9:8-19; 10:7-15; 12:10-19. Finally, the strike as well as the (b) (6), (b) (7)(C) 2014 action was broadcast by local media outlets. (b) (6), (b) (7)(C) Aff. 9:3-5; 12:2-3.

Employer also demonstrated anti-union animus. After the strike (b) (6), (b) (7)(C) expressed disappointment and asked how (b) (6), (b) (7)(C) could go on strike when (b) (6), (b) (7)(C) had done so much for (b) (6), (b) (7)(C) Aff. 9:12-19. After (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) reiterated (b) (6), (b) (7)(C) disappointment and said (b) (6), (b) (7)(C) did not think that someone (b) (6), (b) (7)(C) worked with “would do something like strike.” (b) (6), (b) (7)(C) Aff. 12:10-20.

In addition to the prima facie case, Employer did not discipline non-union workers for similar violations. For instance, Employer did not discipline non-union employees for mild tardiness or leaving the safe unattended. (b) (6), (b) (7)(C) Aff. 15:20-22; 16:13; 18:10-18. Additionally, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) write-up and suspension for leaving work due to illness was clear pretext. (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) affidavit reveals that no other worker had ever been disciplined for leaving work when they were sick. (b) (6), (b) (7)(C) Aff. 16:14-16. In fact, company policy requires that workers “get sent home” when they become sick at work. *Id.* Finally, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) 2014 write-up and suspension for failing to complete the food safety inspection sheet was pretextual as other employees that had not completed the form were not subject to discipline. (b) (6), (b) (7)(C) Aff. 17:3-9. For instance, on (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), 2014, none of the (b) (6), (b) (7)(C) on duty had completed the food safety inspection sheet.<sup>4</sup> To (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) knowledge, these employees were not written up or suspended for failing to fill out the food safety log. The fact that other workers were not disciplined for committing the same infractions demonstrates these reasons are pretextual.

Furthermore, the proximate timing between (b) (6), (b) (7)(C) joining the union and (b) (6), (b) (7)(C) string of disciplinary write-ups is highly probative of Employer’s retaliatory intent. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) outside of Employer’s store and participated in the income inequality panel shortly before Employer began its blitz of disciplinary action. Under *Douglas*, the close timing between (b) (6), (b) (7)(C) union participation and discipline is sufficient to support a finding of retaliatory intent in light of the record as a whole.

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<sup>4</sup> Exhibit 3

- III. (b) (6), (b) (7)(C) was not a Supervisor Under 2(11) of the Act, as (b) (6) lacked the authority to engage in supervisory functions and did not exercise independent judgment in the functions (b) (6) could effectively recommend.

Employees are statutory supervisors under the Act if: “(1) they hold the authority to engage in any 1 of the 12 supervisory functions (e.g., “assign” and “responsibly to direct”) listed in Section 2(11); (2) their “exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;” and (3) their authority is held “in the interest of the employer.” Supervisory status may be shown if the putative supervisor has the authority either to perform a supervisory function or to effectively recommend the same.” *Oakwood Healthcare Inc.*, 348 NLRB 686, 687 (2006)(quoting *NLRB v. Kentucky River Community Care*, 532 U.S. 706 (2001)).<sup>5</sup>

(b) (6), (b) (7)(C) worked as a (b) (6), (b) (7)(C), (b) (7)(D) and (b) (6), (b) (7)(C), (b) (7)(D). While (b) (6), (b) (7)(C) completed some administrative tasks such as performing food safety checks and counting the register, the majority of (b) (6), (b) (7)(C)'s time was spent assisting employees who needed help and ensuring that food preparation was performed efficiently. In fact, (b) (6), (b) (7)(C), (b) (7)(D) stated, “I was usually performing the crew member-type duties for most of my shifts.” Aff. 7:7-8. While (b) (6), (b) (7)(C) did have some role in giving verbal warnings and documenting employee infractions, these actions merely informed (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), of problems and did not constitute effective discipline. (b) (6), (b) (7)(C) could not hire, suspend, terminate, evaluate or promote employees, and could not give rewards, bonuses or wage increases.

- A. (b) (6), (b) (7)(C) did not have authority to discipline, because (b) (6), (b) (7)(C) authority to complete write-ups of employees only allowed (b) (6), (b) (7)(C) to document the facts underlying a perceived infraction of a company policy, without the use of independent judgment.

Reprimands and warnings do not constitute effective discipline if the ultimate decision as to whether discipline is warranted is made by higher management. *Phelps Cmt. Med. Ctr.*, 295 N.L.R.B. 486, 490 (1989) (holding warnings that do not alone affect job status or tenure do not convey supervisory authority.); *Shaw Inc.*, 350 N.L.R.B. 354, 356 (2007)(finding reporting incidents of employee misconduct was not supervisory since the reports did not always lead to discipline, and did not contain disciplinary recommendations). In analyzing the scope of the authority to discipline, the Board distinguishes between the mere ability to “write up” an employee who violates work rules and the actual ability to discipline an employee. *See, e.g., Franklin Home Health Agency*, 337 N.L.R.B. 826, 830 (2002). Additionally, the Board will not

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<sup>5</sup> Section 2(11) of the Act defines a supervisor as “any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.” 29 U.S.C. Sec. 152(11).



find supervisory status if an employee does not exercise discretion in determining whether to complete a write up. *Shaw* 350 NLRB at 356. In *Shaw*, the Board held a foreman was not a supervisor since he only completed write-ups when dictated by the company handbook and referred corrective action decisions to his supervisor. *Id.*

(b) (6), (b) (7)(C), (b) (b) (6), (b) (7)(C) affidavit reveals that all decisions to take disciplinary action were made by (b) (b) (6), (b) (7)(C), (b) (7)(D) As a (b) (6), (b) (7)(C), (b) (7)(D) could memorialize employee misconduct in crew action forms. However, as in *Shaw*, (b) (6), (b) (7)(C) only completed write-ups pursuant to employer's instructions and could not recommend punishment. While (b) (6), (b) (7)(C) had a password that allowed (b) (6), (b) (7)(C) to access crew action forms, (b) (6), (b) (7)(C) always consulted (b) (6), (b) (7)(C) and obtained (b) (6), (b) (7)(C) permission prior to entering the discipline into the system. In (b) (6), (b) (7)(C) affidavit (b) (6), (b) (7)(C) stated "I tried to always contact (b) (6), (b) (7)(C) to make sure before putting a discipline into the system...I cannot remember entering a disciplinary action for an employee without asking (b) (6), (b) (7)(C) about it first." (b) (6), (b) (7)(C) Aff. 5:18-21. (b) (6), (b) (7)(C), (b) (b) (6), (b) (7)(C) role in disciplining employees was similarly limited as a (b) (6), (b) (7)(C) While (b) (6), (b) (7)(C) acquired new authority to issue discipline for failure to complete cleaning tasks, (b) (6), (b) (7)(C) "still wanted to run everything by (b) (6), (b) (7)(C)." (b) (6), (b) (7)(C) Aff. 11:7-10. (b) (6), (b) (7)(C) lost (b) (6), (b) (7)(C) limited authority to document employee misconduct in (b) (6), (b) (7)(C) 2014 when the employer changed its policy so that only store managers were allowed to submit crew action forms. (b) (6), (b) (7)(C) Aff. 14:17-21.

(b) (6), (b) (7)(C) also lacked the power to effectively recommend discipline. Reporting misconduct will not suffice to determine that an employee has the authority to discipline or effectively recommend discipline without proof that these reports automatically lead to any further discipline or adverse action against an employee. *Ohio Masonic Home*, 295 N.L.R.B. 390, 393 (1989). According to (b) (6), (b) (7)(C) affidavit, (b) (6), (b) (7)(C) only recommended discipline twice when (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C). In the first instance, (b) (6), (b) (7)(C) accepted (b) (6), (b) (7)(C) recommendation that an employee be fired for consecutive no-call, no-show violations. Aff. 6:1-6. However, (b) (6), (b) (7)(C) rejected (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) recommendation that employee (b) (6), (b) (7)(C) be terminated for insubordination. (b) (6), (b) (7)(C) Aff. 13:23-14:2. Because (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) recommendations did not automatically lead to adverse action, (b) (6), (b) (7)(C) could not effectively recommend discipline.

Since [REDACTED] merely memorialized employee infractions and completed write-ups upon supervisor's instruction, [REDACTED] lacked supervisory authority to discipline other employees.

- B. (b) (6), (b) (7)(C) did not have authority to “assign,” because (b) (6) could not designate an employee to a place, appoint an employee to a time, or give significant overall duties to an employee while using independent judgment.

In *Oakwood Healthcare*, the Board stated that "assigning" for purposes of Section 2(11) refers to the "act of designating an employee to a place (such as a location, department, or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant overall duties, i.e., tasks to an employee." 348 NLRB at 689. On the other hand, "choosing the order in which the employee will perform discrete tasks within those assignments," or giving an ad hoc instruction that the employee perform a discrete task," does not amount to "assigning."

Id. at 689. (b) (6), (b) (7)(C) performed none of the “assigning” functions: (b) (6) did not appoint an employee to a time, did not schedule employees, and did not give them overtime. In fact, when (b) (6), (b) (7)(C) asked that an employee be scheduled at a different time (b) (6), (b) (7)(C) explicitly told (b) (6), (b) (7)(C) that was not (b) (6), (b) (7)(C) “decision or choice.” (b) (6), (b) (7)(C) Aff. 14:3-4. Rather than being “assigned” by (b) (6), (b) (7)(C) employees’ training determined where they went and what work they performed.

Even if we were to assume that (b) (6), (b) (7)(C) could assign work to the employees (a proposition we contest), (b) (6), (b) (7)(C) did not exercise independent judgment necessary to show supervisory authority. See *Croft Metals, Inc.*, 348 N.L.R.B. 717, 722 (2006). The Board has held that delegating tasks based on the employee’s known skills or rotating routine duties among available employees does not require the exercise of independent judgment and is insufficient to establish “authority to assign.” In *Carlisle Engineering*, the Board held that directing employees to move to another machine or asking them to clean a workspace did not require independent judgment and was simply based on common sense efficiency and job priorities set by the employer. 330 NLRB No. 189 (2000). In *Shaw, Inc.*, the Board found that a foreman did not exercise independent judgment where assignments were “often based on an employee’s trade or known skills, and [were], thus, essentially self-evident.” 350 NLRB at 355-6. Like the putative supervisor in *Carlisle*, (b) (6), (b) (7)(C) repositioned employees based on the employer’s immediate needs. (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) decisions to assign work as follows: “if I saw something that needed to be done and there were employees I could send to do it, I could send them to do it.” (b) (6), (b) (7)(C) Aff. 4:15-16.

(b) (6), (b) (7)(C) like the foremen in *Shaw*, would select employees for particular functions based on the employee’s skills and the decisions of where to position employee’s was “essentially self-evident.” (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) ability to assign employees tasks was limited to “delegating responsibilities to any employee who was trained in the area.” (b) (6), (b) (7)(C) Aff. 4:14-16. “We had a saying called put your aces in their places which meant that there were certain people good at certain jobs, and I would rely on them when danger zones were coming up.” (b) (6), (b) (7)(C) Aff. 7:2-4. When (b) (6), (b) (7)(C) became a (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) decisions to delegate tasks were still based on employee’s known skill and availability rather than independent judgment. For instance, (b) (6), (b) (7)(C) stated, “I was able to choose the person I thought was more able to do a task over someone I thought would not do as good a job. I would also base it on whether an employee was part time or full time. I would give bigger cleaning tasks to full timers because I knew they would have more time to do them.” (b) (6), (b) (7)(C) Aff. 11:10-13. Consequently, (b) (6), (b) (7)(C) did not exercise independent judgment to the extent (b) (6), (b) (7)(C) engaged in “assignment.” Finally, there is nothing in the record to establish that (b) (6), (b) (7)(C) had the power to recommend a person for assignment.

In sum, (b) (6), (b) (7)(C) did not have the authority to assign while using independent judgment nor did (b) (6), (b) (7)(C) have the power to recommend the same.

**C. (b) (6), (b) (7)(C) did not have the authority to “hire,” or effectively recommend hire.**

In order for an employee to have the authority to effectively recommend a candidate, there must be more shown than “mere participation in the hiring process.” *Training*

*School at Vineland*, 332 N.L.R.B. 1412, 1417 (2000). In *Springfield Terrace, Ltd.*, the Board upheld the regional director's determination that charge nurses did not have the authority to effectively recommend hiring employees where it was determined that the charge nurse gave her opinion of a candidate the Director of Nursing was interviewing because the record failed to reflect that the candidate was hired "solely on the input from the [charge nurse] without any independent review of the candidate by" the charge nurse's superiors. *Springfield Terrace, Ltd.*, 2010 N.L.R.B. LEXIS at \*41.

(b) (6), (b) (7)(C) did not have the authority to hire people directly. (b) (6), (b) (7)(C) Aff. 6:16. (b) (6), (b) (7)(C) also lacked the authority to effectively recommend employees for hire. Even though (b) (6), (b) (7)(C) "usually ended up hiring" candidates that (b) (6), (b) (7)(C) recommended, nothing in the record demonstrates that (b) (6) did more than act as a reference for job applicants. (b) (6), (b) (7)(C) described (b) (6)'s role in the store's hiring process as "I would just informally let (b) (6), (b) (7)(C) know about someone I knew who was looking for a job and who I thought would be a good fit." (b) (6), (b) (7)(C) Aff. 6:14-16. Like the Director of Nursing in *Springfield Terrace*, (b) (6), (b) (7)(C) independently reviewed (b) (6), (b) (7)(C) referrals evidenced by the fact that not all of the people (b) (6), (b) (7)(C) recommended were hired. Since (b) (6), (b) (7)(C) had the exclusive power to directly hire employees and independently reviewed the applicants recommended by (b) (6), (b) (7)(C) subordinates, (b) (6), (b) (7)(C) did not possess the supervisory authority to hire.

- D. (b) (6), (b) (7)(C) did not have authority to "responsibly direct," because (b) (6), (b) (7)(C) could not take corrective action, was not subject to actual accountability, and did not use independent judgment.

(b) (6), (b) (7)(C) did not have the authority responsibly to direct under Section 2(11). In *Oakwood Healthcare*, the Board stated that an individual has supervisory authority "responsibly to direct" employees when that individual decides 'what job shall be undertaken next or who shall do it,' . . . provided that the direction is both 'responsible' . . . and carried out with independent judgment." 348 NLRB at 691.

In *Shaw*, the Board found that various foremen did not have authority to direct where the pipeline construction performed by crewmembers was routine. The Board found that there was "no showing that such work require[d] more than minimal guidance." Similarly, in this instant case, (b) (6), (b) (7)(C) would "spend most of the shift in the kitchen preparing food" and would only intervene in crewmember workflow in the event of a "danger zone" situation. (b) (6), (b) (7)(C) Aff. 4:8-9.

Furthermore, (b) (6), (b) (7)(C) was subject to regular monitoring by higher management. In *Shaw*, the Board found that the foremen were not supervisors where there was regular monitoring by management to ensure proper performance. The Board noted that foremen had the means to contact and communicate with supervisors when they were not on site, and problems or questions about unexpected developments were directed to supervisors for them to handle.

Like the foremen in *Shaw*, (b) (6), (b) (7)(C) almost always directed problems or questions to (b) (6), (b) (7)(C) and handled them according to (b) (6), (b) (7)(C) instructions.



Even if we were to assume that (b) (6), (b) (7)(C) had the authority to direct (which we do not), (b) (6), (b) (7)(C) did not have the authority to do so responsibly. Direction is “responsible” only if “the person directing and performing the oversight of the employee” is “accountable for the performance of the tasks by the other, such that some adverse consequence may befall the one providing the oversight if the tasks performed by the employee are not performed properly.” *Id.* at 691–692. To show that direction by is “responsible,” one “must present evidence of “actual accountability,” *Alstyle Apparel*, 351 NLRB 1287. The level of accountability necessary to show that direction is “responsible” is not established unless it is “shown that the employer delegated to the putative supervisor the authority . . . to take corrective action if necessary.” *Oakwood Healthcare*, 348 NLRB at 692. The purpose of this “accountability” requirement is to create a clear distinction between employees directing employees in the interests of management and those whose interest in directing other employees “is simply the completion of a certain task” (and therefore are not acting as supervisors). *Id.* Therefore, to meet the accountability standard, the putative supervisor “will have, if and to the extent necessary, an adversarial relationship with those he is directing.” *Id.*

There is no evidence that (b) (6), (b) (7)(C) met the “accountability” standard required to find responsible direction. (b) (6), (b) (7)(C) could not take any corrective action for employee infractions, such as, docking an employee’s pay or suspending or firing an employee. To the contrary, even when employee (b) (6), (b) (7)(C) refused to adhere to (b) (6), (b) (7)(C) very limited direction, (b) (6), (b) (7)(C) only demonstrated recourse was to give a verbal warning, call (b) (6), (b) (7)(C) to report what occurred and wait for (b) (6), (b) (7)(C) determination. (b) (6), (b) (7)(C) Aff. 13:16-23.

Last, and furthermore, (b) (6), (b) (7)(C) did not exercise independent judgment as required by Section 2(11). The Board requires that an employee be “free of the control of others and form[ed] an opinion or evaluation by discerning and comparing data.” *Oakwood* at 693. Because (b) (6), (b) (7)(C) expected (b) (6), (b) (7)(C) to run decisions by (b) (6), (b) (7)(C) during (b) (6), (b) (7)(C) shift, (b) (6), (b) (7)(C) was not freed of the control of (b) (6), (b) (7)(C) supervisor. Thus, (b) (6), (b) (7)(C) limited direction of employees was under the supervision of (b) (6), (b) (7)(C). Even though (b) (6), (b) (7)(C) was often not physically in the facility, (b) (6), (b) (7)(C) would call (b) (6), (b) (7)(C) if a problem arose. Accordingly, (b) (6), (b) (7)(C) was not given the leeway to act in a way requiring independent judgment.

#### IV. Conclusion

For the reasons cited, we do not believe (b) (6), (b) (7)(C) was a supervisor under the Act. Moreover, we respectfully submit that the Regional Director should issue complaint against Employer for its repeated violations of (b) (6), (b) (7)(C), (b) (7)(C) Section 7 rights.

Sincerely,

Virginia Diamond

Enclosures:

Mr. Andrew Andela  
National Labor Relations Board  
December 5, 2022  
Page 9

Exhibit 1  
Exhibit 2  
Exhibit 3



**From:** [Lauren Bonds](#)  
**To:** [Andela, Andrew](#)  
**Subject:** Exhibits for 05-CA-129234/FWL & Sons Inc.  
**Date:** Monday, July 21, 2014 1:57:41 PM  
**Attachments:** (b) (6), (b) (7)(C) [Exhibits.pdf](#)

---

Mr. Andela-

Attached are the exhibits, including the food safety log, for (b) (6), (b) (7)(C) case. Please let me know if you need anything else.

Best,

Lauren

--

Lauren Bonds  
Law Fellow  
Service Employees International Union

## EXHIBIT 1

Retweeted by [LWC @ VCU](#)



**Raise Up For 15** @RaiseUpfor15 · (b) (6),

Speaking now is (b) (6), (b) (7)(C) at the [#wagetheft](#) protest in [#RVA](#)

(b) (6), (b) (7)(C)



[View more photos and videos](#)

## EXHIBIT 2

(b) (6), (b) (7)(C)



via [Facebook](#)  
[Report Content](#)

Last night, I had the honor of moderating an excellent panel on fighting income inequality in VA. (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Guillermo Zamora and (b) (6), (b) (7)(C) (pictured here) are true champions for working people. Particularly proud of (b) (6), (b) (7)(C) a brave new voice in the fast food workers' movement for justice. And I was inspired by (b) (6), (b) (7)(C) who challenged us all to do more to support working men and women who hope to form a union. Thank you, (b) (6), (b) (7)(C) and everyone at the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for hosting such a vital conversation.

Source: (b) (6), (b) (7)(C)

# Exhibit 3

McDonald's Corporation

## Daily Food Safety Checklist 12.1

Produce sections and in collection? Y N

Proper disposable gloves (new and cleanable) are stocked at each station? Y N

Clean food buckets contain sanitizer solution at correct concentration per test strip? Y N

Reported supplies at all hand wash sinks? Y N

Disposable tongs in use for all food and sweet tea dispensers? Y N

To complete the checklist, circle Y (Yes) or N (No) for each item. Any "N" response should be immediately corrected.

Cooked product internal temperature check (Check each product from all sections of grill that are being used to cook each specific product). Add any regional or promotional meat, fish or poultry product to the tables below.

(b)(6)

14

**STARTUP**

Refrigerator Units	Product Monitored	Product in Case	Product Temperature
Walk-In		Y N	°F
Reach-In - Kitchen 1		Y N	°F
Reach-In - Kitchen 2		Y N	°F
Prep Table Refrigerator		Y N	°F
Mix Reservoir Shake			°F
Mix Reservoir Sundae			°F
FC - 1		Y N	°F
FC - 2		Y N	°F
BT - 1		Y N	°F
CT - 2		Y N	°F
Cream/Milk Dispenser 1			°F
Cream/Milk Dispenser 2			°F
McCafe Cooler		Y N	°F
Soda Dispenser		Y N	°F
Blended Ice Machine		Y N	°F
		Y N	°F

**All Refrigerated Units**

Open product covered or wrapped? Y N

All refrigerated products are at or below 40°F? Y N

**Production Area Freezers**

Frozen product at all Reach-In and Grill Side Freezers solidly frozen? Y N

**Walk-In Freezer**

Walk-In Freezer at or below 0°F? Y N

Record Walk-In Freezer temperature °F

Open products covered or wrapped? Y N

Prep Table

**BAZARART - Internal temperatures of sausage, steak and round eggs are at or above 150°F**

Product	Cook Time	Run Size	Portion #1	Portion #2	Portion #3	Portion #4
Breakfast Sausage			°F	°F	°F	°F
Breakfast Sausage			°F	°F	°F	°F
Breakfast Steak			°F	°F	°F	°F
Round Eggs			°F	°F	°F	°F

**REGULAR MENU - Beef - Internal temperatures are at or above 155°F**

Product	Plate Number	Cook Time	Run Size	Patty #1	Patty #2	Patty #3	Patty #4
Beef 10.1			°F	°F	°F	°F	°F
Beef 10.1			°F	°F	°F	°F	°F
Beef 10.1			°F	°F	°F	°F	°F
Beef 10.1			°F	°F	°F	°F	°F
Beef 4.1			°F	°F	°F	°F	°F
Beef 3.1 (Angus)			°F	°F	°F	°F	°F
Beef 3.1 (Angus)			°F	°F	°F	°F	°F
			°F	°F	°F	°F	°F
			°F	°F	°F	°F	°F
			°F	°F	°F	°F	°F

**Chicken - Internal temperatures are at or above 165°F. Flat-Top/Fish - Internal temperatures are at or above 160°F**

Product	Run Size	Portion #1	Portion #2	Portion #3	Portion #4
Chicken McNuggets		°F	°F	°F	°F
Crispy Chicken		°F	°F	°F	°F
Breaded Chicken		°F	°F	°F	°F
Hot Chicken		°F	°F	°F	°F

Person Completing Checklist: \_\_\_\_\_

Portion temperature: \_\_\_\_\_

Schedule Manager Sign-off: \_\_\_\_\_ (date)

All breakfast grill temperature settings are correct? Y N

Food Safety: All internal temperatures of sausage, steak and round eggs are at or above 155°F? Y N

Quality: At least one of the 4 internal temperatures of sausage/steak per run is between 150 - 170°F? Y N

Round Egg puffed yolk? Y N

Notes for actions or follow-up:

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Fryer time and temperature settings correct? Y N

Food Safety: All internal temperatures of chicken products are at or above 165°F after cooking? Y N

Food Safety: All internal temperatures of Flat-Top/Fish are at or above 160°F? Y N

(b) (6), (b) (7)(C)

(b) (

**Me:** Food safety book was not complete for (b) (6), (b) (7)(C) today

6:10 PM

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Sorry, I have never had to do it before so I need a refresher on the temperatures each product needs to be

(b) (6), (b) (7)(C) 6:29 PM

**Me:** So you haven't done it any of the other 3 days you (b) (6), (b) (7)(C)

6:31 PM

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) : No.

6:32 PM

Add text:

0 / 160



**From:** [Posner, Charles](#)  
**To:** [Andela, Andrew](#); [Shuster, Steven L.](#); [Sawyer, Paula S.](#); [Murphy, Thomas](#)  
**Subject:** RE: FIR for 05-CA-129234 (FWL & Sons/ McDonald's Corp.)  
**Date:** Friday, July 25, 2014 11:09:33 AM

---

To be more precise, the evidence establishes the (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C).

---

**From:** Posner, Charles  
**Sent:** Friday, July 25, 2014 11:05 AM  
**To:** Andela, Andrew; Shuster, Steven L.; Sawyer, Paula S.; Murphy, Thomas  
**Subject:** RE: FIR for 05-CA-129234 (FWL & Sons/ McDonald's Corp.)

I agree that the evidence establishes the (b) (6), (b) (7)(C) of the Charging Party and that the charge should be dismissed, absent withdrawal. No agenda necessary.

---

**From:** Andela, Andrew  
**Sent:** Friday, July 25, 2014 8:38 AM  
**To:** Posner, Charles; Shuster, Steven L.; Sawyer, Paula S.  
**Subject:** FIR for 05-CA-129234 (FWL & Sons/ McDonald's Corp.)

Good morning.

Please find attached a copy of the FIR for this case, the agenda for which is scheduled for today at 3:00. [The FIR is also uploaded to NxGen.](#) Thank you very much.

*Drew Andela*

Field Attorney  
National Labor Relations Board, Region 5  
Bank of America Center - Tower II  
100 South Charles St., 6th Floor  
Baltimore, MD 21201  
Phone: [\(410\) 962-5615](tel:(410)962-5615)  
Fax: [\(410\) 962-2198](tel:(410)962-2198)



**From:** [Doyle, John D.](#)  
**To:** [Dunham, Geoffrey](#)  
**Cc:** [Shuster, Steven L.](#); [Murphy, Thomas](#); [Andela, Andrew](#)  
**Subject:** Region 5 McDonald's case, 05-CA-129234  
**Date:** Tuesday, July 29, 2014 2:46:00 PM

---

Geoffrey – In [the subject case](#) Region 5 has (b) (5)

(b) (5) The charging party has requested withdrawal. This e-mail is to request Region 2's approval, as coordinating Region, to approve the withdrawal request and close the case. We look forward to your response. Let us know if you need any additional information. My contact information is provided below. Thanks for all. – John

John D. Doyle, Jr.  
Deputy Regional Attorney  
National Labor Relations Board, Region Five  
Bank of America Center – Tower II  
100 South Charles Street, Suite 600  
Baltimore, Maryland 21201  
[john.doyle@nrlb.gov](mailto:john.doyle@nrlb.gov)  
Tel: (410) 962-3156  
Cell: (205) 533-4818  
Fax: (410) 962-2198

---

**From:** Andela, Andrew  
**Sent:** Monday, July 28, 2014 2:42 PM  
**To:** Doyle, John D.  
**Cc:** Murphy, Thomas  
**Subject:** Disposition Chain Non-adjusted WITHDRAWAL, Case 05-CA-129234 (FWL & Sons and McDonald's Corp.)

**WITHDRAWAL**

CASE NAME:	FWL & Sons, d/b/a McDonald's and McDonald's Corp as joint/ single employers
CASE NUMBER:	05-CA-129234
SCOPE: Full	If Partial, Allegations disposed of by this action: Allegations Remaining:
Date of issuance of Withdrawal Letter:	

–  
Withdrawal Options: Non-adjusted Oral

Remarks:

(b) (5), (b) (6), (b) (7)(C)

Charging Party requested withdrawal by telephone on 7/28/14.

Checklist:

- ☒ My LOG is updated in NxGen. ([Link LOG](#))
  - ☒ All Notices of Appearance, including e-mail correspondence, have been uploaded into NxGen.
  - ☒ The Participant List accurately reflects all appearances.
-

If Partial WD, Draft Language:

[Sample partial w/d language](#)

[Sample conditional w/d language](#)

Routing Instructions: Full - Agent - Supe - ARD - RD Sec. - OM - Typing Pool - RD Sec. - RD - Typing Pool

Typist will save e-mail chain as: **FIR.05-xx-xxxxxx.chain approving-Partial-Withdrawal**



Case Name: FWL & Sons, Inc. d/b/a McDonald's & McDonald's Corp as Joint and Single Employers

Case No. 05-CA-129234

Agent: Field Attorney Andrew Andela

**NOTE: see log from 05-CA-126740 for previous communications**

### CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
5/21/14	Lauren Bonds	Email, phone	Discussed time for (b) (6), (b) (7)(C) to appear for affidavit. (b) (6), at SEIU office in Richmond works for all parties.
5/21/14	Michael Okun	Email/ phone	LM and sent email re: new arrangements for (b) (6), (b) (7)(C) aff and asking him to send a newly dated charge form for docketing.
5/22/14	Paul Smith	phone	Spoke with another atty at Okun's firm; Okun is out of town and PS wanted to know if he could sign the new form or if it had to be Okun again. I told him it would be fine if PS signed it and that he could fax it to BRO for speed's sake. He will fax charge today.
5/22/14	NxGen	system	New charge docketed
5/27/14	LB	phone	In light of issues getting (b) (6), (b) (7)(C) to appear for previous charge, called and emailed to confirm (b) (6), (b) (7)(C) appointment.  LB emailed back that (b) (6) will definitely be there.
5/28/14	Doreen Davis, Jonathan Linas, Andrew Madsen	e-file	Received NOA from attorneys for McD's Corp
(b) (6), (b) (7)(C) /14	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	In person	Met with affiant as scheduled at SEIU office in Richmond.
5/30/14	(b) (6), (b) (7)(C)	phone	Have only a phone number for (b) (6), (b) (7)(C). LM on number on charge to call me regarding charge.
6/3/14	(b) (6),	phone	L another M
6/5/14	Doreen Davis	phone	Called to confirm that Jones Day represents only McD's Corp. She confirmed that this is the case; she is not representing FWL in any capacity.
6/5/14	(b) (6), (b) (7)(C)	phone	L another M

6/10/14	(b) (6)	phone	Reached (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (I think). Said (b) (6), (b) (7)(C) could take message. Introduced myself and explained why I was calling. (b) (6), (b) (7)(C) told me (b) (6), (b) (7)(C) would pass on message. I asked if I could have an email address for (b) (6) since this was very important and wanted to make sure (b) (6) got back to me soon. (b) (6), (b) (7)(C) responded that would not be necessary since (b) (6), (b) (7)(C) would give (b) (6), (b) (7)(C) message today.
6/16/14	(b) (6)	phone	I received a call from the number on charge for (b) (6), (b) (7)(C), but no message left.  I called back and LM on voice mailbox.
6/18/14	Doreen Davis et al	email	Sent allegations letter by email to attorneys for McDonald's Corp.
6/18/14	(b) (6), (b) (7)(C)	mail	Sent allegations letter to FWL owner by regular mail (no email address for (b) (6), (b) (7)(C) at this time)
6/19/14	(b) (6), (b) (7)(C)	phone	(b) (6), (b) (7)(C) LM returning my calls.  I called back and got no answer.  Called again and LM.
6/20/14	(b) (6)	phone	L another M
6/23/14	(b) (6)	phone	Finally reached (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) received my letter and had forwarded it to (b) (6), (b) (7)(C) insurance company and that they or someone they selected would be in touch with me soon. (b) (6), (b) (7)(C) apologized for the delay.
6/24/14	Brian Sharpe	Phone/ email	Received call from atty representing FWL. He is just finding out about this, but wants to cooperate as fully and as quickly as possible. Asked if I could send copy of allegations letter I sent to (b) (6), (b) (7)(C) and he will get to work on it.  Emailed copy of allegations letter.
6/25/14	BS	e-file	Submitted NOA
6/25/14	Andrew Madsen	Email, e-file	Received PST from McDonald's Corp. attys.
6/30/14	BS	Email/ phone	LM and sent email asking for extra time to respond.  Called back and discussed on phone. He is not sure how long it will take and sounded very worried that we would not provide extra time. Promised to have me a position statement by July 11. I told him ok.

7/8/14	Virginia Diamond	email	Received PST from U representative.
7/11/14	Brian Sharpe	Email, e-file	FWL atty submitted PST and DEV
7/18/14	BS	Email, e-file	Submitted further PST and DEV in response to 7/ request.
7/21/14	BS	Email/ phone	LM and sent email asking for further DEV re food safety logs.  BS responded by email with DEV and explanation.
7/21/14	LB	email	Sent DEV missing from original PST submission.
7/24/14	BS	email	Requested add'l info re: procedure by which shift managers process written disciplines.  BS responded to all queries.
7/25/14	Agenda committee	In office	(b) (5) [REDACTED]
7/25/14	LB	phone	Called to inform of determination. She will check with organizer Guillermo Zamora and get back to me with whether CP will withdraw or take dismissal.
7/28/14	LB	phone	Called to ask if Region had considered (b) (6), (b) (7)(C) (b) (5) [REDACTED] She requested withdrawal of charge and will follow up with email saying same.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
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August 29, 2014

Doreen S. Davis, Esq.  
Jones Day  
222 East 41<sup>st</sup> Street  
New York, NY 10017-6739

Jonathan M Linas, Esq.  
Andrew Madsen, Esq.  
Jones Day  
77 West Wacker Drive, 5<sup>th</sup> Floor  
Chicago, IL 60601-1692

Brian J. Sharpe, Esq.  
LaPointe Law, P.C.  
1200 Shermer Road, Suite 310  
Northbrook, IL 60062-4500

Re: FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

Dear Ms. Davis, Mr. Linas, Mr. Madsen, and Mr. Sharpe:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*/s/ Charles L. Posner*

Charles L. Posner  
Regional Director

cc: See Page Two

FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

- 2 -

August 29, 2014

cc:

(b) (6), (b) (7)(C)

FWL & Sons, Inc.  
5520 West Broad Street  
Richmond, VA 23230

Ms. Gloria Santona, General Counsel  
McDonald's Corp.  
2111 McDonald's Drive  
Oak Brook, IL 60523

Mr. Guillermo Zamora  
Southern Workers Organizing Committee  
314 South Wilmington Street, Suite 207  
Raleigh, NC 27601

Paul Smith, Esq.  
Patterson Harkavy, LLP  
100 Europa Drive, Suite 250  
Chapel Hill, NC 27517



UNITED STATES GOVERNMENT  
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August 29, 2014

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LaPointe Law, P.C.  
1200 Shermer Road, Suite 310  
Northbrook, IL 60062-4500

Re: FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

Dear Ms. Davis, Mr. LINAS, Mr. Madsen, Mr. Sharpe:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

FWL & Sons, Inc. d/b/a McDonald's &  
McDonald's Corp as Joint and Single  
Employers  
Case 05-CA-129234

- 2 -

August 29, 2014

Very truly yours,

CHARLES L. POSNER  
Regional Director

cc:

(b) (6), (b) (7)(C)

FWL & Sons, Inc.  
5520 West Broad Street  
Richmond, VA 23230

Gloria Santona, General Counsel  
McDonald's Corp.  
2111 McDonald's Drive  
Oak Brook, IL 60523

Guillermo Zamora  
Southern Workers Organizing Committee  
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